

TENTATIVE RULINGS for CIVIL LAW and MOTION

June 1, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **People v. \$1,185.02**

Case No. CV PT 09-926

Hearing Date: **June 1, 2009** **Department Fifteen** **9:00 a.m.**

The hearing in this case must be by jury, unless waived by consent of all parties. (Health and Safety Code, § 11488.5, subd. (c)(2).) This matter is ordered to be tried in conjunction with the related criminal action, Yolo County Superior Court Case No. CR F 09-832. (Health and Safety Code, § 11488.4, subd. (i)(3) and (i)(5).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Young v. Tarasenko, et al.**

Case No. CV PO 09-327

Hearing Date: **June 1, 2009** **Department Fifteen** **9:00 a.m.**

Defendant Davis Surgery Center's request for judicial notice of the complaint is **GRANTED**. (Evid. Code, § 452, subd. (d).)

Defendant's demurrer to the first, second, third, fourth and fifth causes of action for professional negligence, informed consent and fraudulent misrepresentation in plaintiffs' complaint is **SUSTAINED WITH LEAVE TO AMEND**. The causes of action are time-barred. (Code Civ. Proc., § 340.5; *Warren v. Schechter* (1997) 57 Cal.App.4th 1189, 1201, 1204; *Tell v. Taylor* (1961) 191 Cal.App.2d 266.)

Defendant's motion to strike portions of plaintiffs' complaint for damages: attorneys' fees is **GRANTED WITH LEAVE TO AMEND**. (Code Civ. Proc., §§ 435 *et seq.*; *Wiley v. Rhodes* (1990) 223 Cal.App.3d 1470, 1474.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.